

SENATE BILL 539

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 1, to create certain criminal
offenses involving assault.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following language as new, appropriately designated sections:

§ 39-13-115.

(a) A person commits an assault on a law enforcement officer, who:

(1) Commits assault as defined in § 39-13-101(a);

(2) The victim of the assault is a law enforcement officer as defined in § 39-11-106(a)(21); and

(3) Such law enforcement officer was:

(A) Acting in the performance of such officer's duties while in uniform or exhibiting evidence of the officer's status as a law enforcement officer; or

(B) Known or reasonably should have been known by the defendant to be a law enforcement officer.

(b) A person also commits an assault on a law enforcement officer who knows or has reason to know a person is a law enforcement officer and knowingly and without the person's permission:

(1) Removes or causes to be removed a chemical irritant weapon, impact weapon, handcuffs, or flex-cuffs from the possession of the officer or deprives the officer of the use of the weapon or device; or

(2) Removes or causes to be removed a firearm or stun weapon from the possession of the officer or deprives the officer of the use of the weapon.

(c)

(1) A violation of subsection (a) or (b)(1) is a Class E felony.

(2) A violation of subsection (b)(2) is a Class D felony.

§ 39-13-116.

(a) A person commits aggravated assault on a law enforcement officer, who:

(1) Commits aggravated assault as defined in § 39-13-102(a);

(2) The victim of the assault is a law enforcement officer as defined in § 39-11-106(a)(21); and

(3) Such law enforcement officer was:

(A) Acting in the performance of such officer's duties while in uniform or exhibiting evidence of the officer's status as a law enforcement officer; or

(B) Known or reasonably should have been known by the defendant to be a law enforcement officer and was assaulted by the defendant because of the officer's status as a law enforcement officer.

(b) A violation of this section is a Class B felony.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.